

Enforcing Customs Laws and Regulations

In some locales MP may be called upon to enforce US customs laws and regulations. MP may be tasked to visually inspect both incoming and outgoing mail at local Army post offices for customs violations. MP may be aided by military narcotics or explosives detector dogs in performing these customs inspections. Mail containing narcotics, explosives, or other contraband is processed in accordance with directives issued by Department of the Army.

MP may be required to operate control posts and border patrols and to supervise crossing points at international borders. Many countries control the movement of military personnel and civilians at their borders. Border control is maintained for reasons of security, customs and tariff enforcement, protection of the civilian economy, and apprehension of criminals, absentees, and persons of intelligence interest. Control is maintained through the establishment of authorized road or rail crossing points, border patrols, control posts, and, if feasible, liaison with authorities of neighboring countries. Prohibited or restricted zones are often used to help control circulation at borders.

In border control, MP normally coordinate with host country police, counterintelligence units, and civil affairs units. Border control posts and patrols are also furnished border alarms. They are to watch for individuals or items that may be involved in criminal and customs offenses. Normal procedures for checking personnel, luggage, vehicles, and documents at border crossing points include the following requirements for MP customs personnel:

- Establish the identity and purpose of US forces members crossing borders and examine vehicles and travel documents.
- Instruct US forces members to make oral

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or written customs declarations as required.

- Conduct searches of vehicles, luggage, and any other property being imported or exported by US forces personnel.
- Seize contraband items that are in violation of customs regulations. In all cases where property or contraband is seized, DA Form 4137 will be prepared in four copies.

MP customs personnel concern themselves with individuals subject to military authority who enter or leave an international port or control point of a host country. Members of US forces may be referred to MP customs inspectors by host country authorities for partial or final border processing.

MP in HNs may be tasked to enforce customs laws and regulations in support of local government officials. US military enforcement of customs laws of countries in which US forces are stationed is often part of agreements like the NATO SOFA between the United States and the host nation. Under agreements MP enforce customs laws of the host country with respect to US forces personnel and their dependents. MP help—

- Prevent the illegal sale or transfer into the local economy of US forces' goods which enter the country free of customs duty and taxes.
- Authenticate and issue customs import documents to members of the US forces for importation of personal property (except for hold baggage or household goods which enter as official consignments of the US forces).

- Issue permits to transfer customs/duty-free personal property to nonmembers of US forces.
- Verify the status of retired US forces personnel residing in the country so that these personnel, who are not members of the US forces as defined in the SOFA, may apply to the host country customs authority for customs certificates. These certificates entitle them to purchase items in commissaries and post exchanges without payment of import duties or taxes.
- Work with host country border police and customs agents to prevent import/export violations by members of the US forces.

At overseas airports MP customs personnel may be tasked to provide customs control. They may make customs and antihijack inspections for all outbound military and civilian personnel and family members and accompanying baggage pending departure on Military Airlift Command (MAC) charter aircraft. They are also tasked to prevent contraband, unauthorized weapons, and illegal drugs and narcotics from being introduced into CONUS or the HN.

The enforcement of administrative MAC regulations is beyond the scope and range of MP customs inspector duties (for example, oversize baggage is rejected only by MAC

counter personnel). Safety and security requirements, however, are enforced by the MP customs inspectors.

US military customs personnel assigned to duty at ports and control points are granted authority to apprehend and detain any person subject to the UCMJ who—

- Avoids, or attempts to avoid, a customs inspection.
- Fails to make a declaration required by law, or who is suspected of making a false declaration.
- Conceals, or attempts to conceal, any property or goods from a customs inspection.
- Illegally enters, leaves, or attempts illegally to enter or leave any area under US control or HN control.

MP custom inspectors must be familiar with the various types of US passports and other identification documents that are shown to them at ports of entry and border crossing points. AR 600-290, AR 640-3, and AR 630-5 provide pertinent information. Command directives may also provide special requirements, such as the US Army, Europe (USAREUR) requirement, that a “Certificate of Status” be stamped in the passports of dependents of members of the US forces or civilian component.

MILITARY CUSTOMS INSPECTORS

DOD Regulation 5030.49-R provides for the selection and training of military customs inspectors. These inspectors check household goods and hold baggage and certify them as customs-processed. They function under the supervision of designated commanders and in close cooperation with Transportation Corps personnel. They are trained and certified by the MP customs units which also monitor and spot-check their operations. A friendly and courteous attitude by MP customs inspectors is required for all public contact. Such an attitude promotes the cooperation of

passengers, enhances enforcement, and fosters a favorable image of the MP. Before assuming MP customs inspector duties, personnel are trained and oriented to recognize various types of narcotic drugs. (See FM 19-20 for a detailed discussion on drugs.) Customs inspectors also receive annual refresher training and daily briefings before assuming shift duty.

As questions and special situations arise, all MP customs inspectors refer unresolved problems to their respective squad leader, the field office NCOIC, the detachment commander, or group headquarters, as required.

Information is available so that on-duty customs personnel can contact supervisory personnel on a 24-hour basis.

When personnel are apprehended, MAC counter personnel are notified immediately. Removal of Army personnel from a flight for a felonious act or for suspicion of a felonious act is coordinated through the MAC and the Army Aerial Port Liaison Office. Air Force personnel or other service personnel committing felonious acts or suspected of committing such acts are referred to the Air Force security police. Aggravated or uncorrectable offenses will be cause for the offender to be cited on DA Form 3975.

Military personnel who refuse to submit themselves or their baggage for inspection will be ordered to comply. If they continue to refuse, MAC counter personnel will be notified, an offense report issued for violation of Article 92, UCMJ, and the offender released to proper service police for return to unit or origin. Civilian personnel who refuse to have themselves or their baggage inspected will be advised that refusal can cause them to be deleted from the MAC aircraft passenger manifest. If they continue to refuse, MAC counter personnel will be notified, a written report issued concerning the incident, and the civilian concerned will not be allowed to pass the checkpoint.

Detailed searches will be performed on all personnel detected to be in possession of prohibited drugs, prohibited items, contraband, unregistered weapons, and/or personnel attempting surreptitious entry or

engaging in actions to circumvent controls of customs checkpoints.

MP customs supervisory personnel will observe the influx and circulation of passengers to detect suspicious or evasive actions.

The technique of spot-checking is employed when necessary at the baggage checkpoint and whenever appropriate at the personnel checkpoint. Calculated, rather than random, judgment must be applied. Many factors must be considered. For example, hijackers often display nervousness and may attempt evasion at checkpoints. The neat, orderly-looking soldier is less suspect of carrying contraband than the sullen or boisterous one. Talking to a passenger undergoing customs processing is essential to detect nervousness or evasion. Experience, alertness, and the application of good judgment are the keys to proper enforcement techniques.

An amnesty box is made available to all passengers and crew members for deposit of prohibited or nonadmissible articles prior to inspection/examination. Transactions involving the amnesty box will not be challenged. In addition, personnel are made aware that the box can be used to discard explosives. In such an event, or if a suspicion exists, the area must be immediately cleared and Air Force and EOD representatives notified. The routine emptying of amnesty box contents will be accomplished in the presence of authorized personnel in strict accordance with command directives, maintaining detailed inventories.

CUSTOMS OPERATIONS PROCEDURES

Five MP customs inspectors are considered ideal coverage at an average size airport. One of the five MP inspectors should be a female to facilitate the search of female passengers and hand-carried baggage.

A baggage checkpoint and a personnel checkpoint are established within the main airport building to process passengers and their accompanying baggage. The baggage checkpoint is located near the entrance door.

All personnel who enter the main processing area of the passenger terminal are required to pass this checkpoint. Emergency doors providing bypass capabilities will be kept closed and posted to preclude unauthorized passage. The purpose of the checkpoint is to detect and prevent bagged contraband from being stowed in the cargo compartment of the aircraft.

All passengers presenting themselves for baggage inspection are asked if they have any weapons, contraband, prohibited items, or prohibited drugs. Declared items are then examined for proper documentation. Firearms and ammunition must be listed on orders and have all required treasury and customs forms or a certificate of prior CONUS possession attached. They must then be repacked in baggage to be stowed in the cargo compartment of the aircraft. Small arms ammunition must be packed individually in complete lots and must not exceed 1,000 rounds. Drugs must be consistent with prescriptions and be in reasonable quantities for use only during pending trip and related leave. Any contraband, prohibited items, or prohibited drugs will be seized, a receipt given, and an offense report rendered. Personnel who surrender prohibited drugs or explosives will be apprehended.

When possible all cargo compartment baggage is inspected. Under no circumstances will the customs checking procedure be the cause for delay in loading an aircraft. Spot checks may be performed when passenger volume exceeds the capability of MP customs personnel.

Before a customs inspection is done at baggage checkpoints and before passengers enter the main processing area, MP customs inspectors brief all departing personnel on the location of the amnesty box and its purpose. Passengers are told that once a customs check is done the amnesty box can no longer be used to discard prohibited items. Passengers also are told that detection that discloses an offense will result

in the issuance of an offense report and subsequent disciplinary or administrative action.

The personnel checkpoint will be located at the entrance of a customs exclusion area. The checkpoint will be opened upon announcement by MAC personnel that processing for a specific flight is initiated. The purpose of the checkpoint is to detect contraband on the person or within items to be handcarried aboard the aircraft. The checkpoint provides a last, formal, predeparture, antihijack security check. Personnel will be required to enter the customs exclusion area through curtained booths. Their identification cards and passports will be checked. They will be given a body frisk or required to pass through a metal detection device as appropriate. Personnel in possession of prohibited drugs or weapons and explosives will be apprehended and MAC counter personnel notified.

Baggage which is offered for customs inspection will be thoroughly examined for contraband, prohibited items, prohibited drugs, and weapons. Probes may be used to help detect prohibited drugs. Discovered contraband, prohibited items, prohibited drugs, concealed weapons, and US government property, including undeclared, unregistered firearms equipment, will be seized if no proof of ownership is produced during customs checks. A receipt will be issued and disposition accomplished in compliance with command directives. Personnel who possess suspected prohibited drugs or explosives will be apprehended and MAC counter personnel notified. Personnel who possess other contraband and/or prohibited items will be permitted to proceed after being cited, unless a felonious act is involved.

Personnel processed into the customs exclusion area remain within this area until their flight departs. Personnel who exit the customs exclusion area prior to their scheduled departure must be rechecked upon their reentry.

A complete body search will be directed whenever the MP customs inspector suspects that a passenger has weapons, contraband, prohibited items, or prohibited drugs on his person. If a complete body or strip search is deemed necessary, this will be accomplished in a private area with at least one witness present.

Female passengers normally proceed into the customs exclusion area ahead of male

passengers and are inspected by enlisted female customs inspectors. If valid suspicion exists, female MP customs inspectors will search female passengers. Male customs inspectors will not, under any circumstances, allow themselves to be inside a curtained booth with a female passenger. The hand-carried items of all passengers are subject to inspection.